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THOMAS WEISEL PARTNERS LLC and  
THOMAS WEISEL INTERNATIONAL  
PRIVATE LIMITED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THOMAS WEISEL PARTNERS LLC, a Delaware limited liability company, and THOMAS WEISEL INTERNATIONAL PRIVATE LIMITED, an Indian company,

**Plaintiffs.**

V.

BNP PARIBAS, a French corporation, BNP PARIBAS SECURITIES (ASIA) LIMITED, a Hong Kong company, and PRAVEEN CHAKRAVARTY, an individual.

## Defendants

No. C-07-6198 MHP

Action Filed: December 6, 2007

**DECLARATION OF LAUREL  
SUTCLIFFE IN SUPPORT OF  
PLAINTIFFS' CONSOLIDATED  
OPPOSITION TO DEFENDANTS'  
MOTIONS TO DISMISS THE FIRST  
AMENDED COMPLAINT**

Date: August 18, 2008  
Time: 2:00p.m.  
Place: Courtroom 15  
Judge: Hon. Marilyn Hall Patel

1 I, Laurel Sutcliffe, declare:

2       1. I am over 18 years of age and otherwise competent and qualified to testify  
3 on the matters contained herein if called upon to do so at a hearing or trial of this matter. I  
4 have personal knowledge of the matters contained herein and, to the best of my knowledge  
5 and belief, the statements contained herein are true and correct.

6       2. I am currently a Director with Forensic Technology Services for KPMG  
7 LLP in San Francisco, California ("KPMG"). I have been with KPMG for approximately  
8 two years. Formerly, I was with Deloitte & Touche for approximately 5 years in the  
9 Analytic & Forensic Technology department. I have over 7 years of experience in  
10 investigations and electronic evidence discovery matters and over 8 years of experience in  
11 data analytics matters.

12       3. In December 2007, Matthew Levy of Howard Rice Nemerovski Canady  
13 Falk & Rabkin ("Counsel") contacted me to engage KPMG's assistance in their  
14 representation of Thomas Weisel Partners LLC and Thomas Weisel International Private  
15 Limited (collectively "TWP").

16       4. In January 2008, KPMG was engaged to forensically image the laptop  
17 computer that had been assigned by TWP to Praveen Chakravarty. At that time, the  
18 computer was in the possession of TWP's India IT personnel.

19       5. On or about January 25, 2008, at my direction, Jayant Saran of KPMG India  
20 forensically imaged the hard drive of the laptop at TWP's offices in Mumbai, India. The  
21 imaged hard drive was shipped to KPMG's forensics lab in San Francisco, CA.

22       6. In March 2008, KPMG was requested by Counsel to perform indexing and  
23 keyword searching of the accessible documents on the hard drive image. A search of  
24 specified user and email file types was performed on the hard drive image and files matching  
25 the search criteria were extracted from the image and further indexed and keyword searched.

26       7. As part of this process, any files that are password protected or encrypted  
27 are identified in a log file that provides the file name and location of the password protected

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1 files on the hard drive. This log file identified a number of password protected files on the  
2 image of the laptop used by Mr. Chakravarty while at TWP.

3           8. KPMG was requested by Counsel to attempt password cracking on these  
4 files. KPMG was successful in cracking all passwords using an industry standard password  
5 cracking utility and provided copies to Counsel via CD-ROM.

6           9. Attached as Exhibits A and B are true and correct redacted copies of the  
7 contents of the following password-protected files on the image of the laptop used by Mr.  
8 Chakravarty while at TWP:

- \Praveen\Documents and Settings\TWPAdministrator\Desktop\Unlock Files\Analyst Details.xls
  - \Praveen\India MGMT\Analyst Details.xls

12 The information that was redacted appeared to be salary and bonus information for  
13 individuals that I am informed were TWP employees.

10. The passwords generated for both files were the same: french/BKIPWQELPSWWFBY. The first password, “french”, allows the Excel file to be opened in read-only mode so that the file’s contents can be viewed. The second password “BKIPWQELPSWWFBY” allows full access to the file. The password generated by the password cracking utility is not necessarily the exact password that the creator of the file used when protecting the document. Password cracking tools generally use an algorithm to generate the original password or other combination of characters that will work to unprotect the file.

I, Laurel Sutcliffe, declare that the foregoing is true and correct under penalty of perjury under the laws of the United States of America.

Executed this 25th day of June 2008 at San Francisco, California

Laurel Sutcliffe